IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION No: 1588 of 2005

Between:

Dr. S.Koteswara Rao, s/o Veeraraghavaiah,
District Immunisation Officer, O/o The District Medical & Health Officer,
Khammam, Khammam District.

..... PETITIONER

AND

1 The Government of A.P., rep., by its Principal Secretary, Medical & Health Dept., Secretariat Buildings, Hyderabad- 22.
2 The Director of Health, Govt. of Andhra Pradesh, Hyderabad- 500 001.
3 The District Medical & Health Officer, Khammam, Khammam District-500 501.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction in the nature of Mandamus, declaring the action of the respondents in not correcting the date of birth of the petitioner in the service register as 16-1-1950 based on the date of birth certificate issued by the Registrar of Births and Deaths, Pamarru, Krishna District dated 27-12-1977, as arbitrary, illegal, and unconstitutional, violating Art.14, 16 and 21 of the Constitution of India and also declare the orders of the Hon'ble Tribunal dt.25-2-2004 in O.A.No.1902/1999 as arbitrary and illegal and set aside the same and issue consequential directions, directing the respondents to correct the date of birth of the petitioner as 16-1-1950, based on the date of birth certificate issued by the Registrar of Births and Deaths, Pamarru, Krishna District dated 27-12-1977, and further direct the respondents to

continue the petitioner in service till attaining the age of superannuation, treating the date of birth of the petitioner as 16-1-1950, in the interest of justice as otherwise the petitioner will be put to irreparable loss and injury.

Counsel for the Petitioner: MR.P.V.KRISHNAIAH

Counsel for the Respondents: GP FOR SERVICES-I.

The Court made the following:

ORAL ORDER:- (PER GB,J.)

The Writ Petition is filed assailing the order, dated 25.02.2004, passed by the A.P. Administrative Tribunal, in O.A.No.1902 of 1999.

2. The matter relates to the change of date of birth. The grievance of the petitioner is that he was appointed as Civil Assistant Surgeon on 27.07.1986 in the office of the Mandal Primary Health Centre, Gundala, Khammam District. He made a representation to the authorities on 05.12.1986 requesting to change his date of birth as 16.01.1950 instead of 15.02.1947, which was wrongly entered in the SSLC school register and followed by subsequent several reminders including the last reminder, dated 07.06.2004, were made to change his date of birth. But, the authorities have not passed any orders in respect of his representations. Aggrieved by the same, he filed O.A.No.1902 of 1999 seeking direction to the respondents to correct his date of birth.

3. The Tribunal dismissed the O.A. on the ground that the petitioner is at liberty to approach the concerned authorities seeking redressal of his grievance.

4. Learned counsel for the petitioner submits that the Tribunal ought to have issued directions to dispose of the representations, if not already disposed of.

5. We have heard the learned Government Pleader.

6. Inasmuch as representations are pending before the authorities including the last representation, dated 07.06.2004, we direct the respondents to dispose of the representations of the petitioner, if not disposed, within a period of four weeks from the date of receipt of a copy of this order.

7. With the direction indicated above, the Writ Petition is accordingly, disposed of. No costs.

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G. BIKSHAPATHY, J.

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P.S. NARAYANA, J.

Date: 10.02.2005

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To

1 The Principal Secretary, Government of A.P., Medical & Health
Dept., Secretariat Buildings, Hyderabad-22.
2 The Director of Health, Government of Andhra Pradesh, Hyderabad- 500 001.
3 The District Medical & Health Officer, Khammam, Khammam District-500 501.

4 The Registrar, A.P. Administrative Tribunal, Hyderabad.

5 2 CCs to the G.P. for Services-I, High Court of A.P., Hyderabad (OUT).

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